

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

ROGER FREELAND, on his own behalf,
ROSELYN FREELAND, on her own behalf,
and as mother and next friend of REX FREELAND,
a minor with severe brain damage,

Plaintiffs,

vs.

Civ. No. 99-1500 MV/WWD ACE

THE UNITED STATES OF AMERICA,

Defendant.

MEMORANDUM OPINION AND ORDER

This matter comes before the Court upon Defendant's Motion to Vacate Settlement Conference filed December 11, 2000 [docket no. 37]. Counsel for the United States has changed, and there are a number of matters left to be addressed in discovery; accordingly, a continuance of the settlement conference is sought. Plaintiffs' counsel opposes this, pointing out that the United States has been aware of this claim for some time and that there has been a failure on the part of the United States to prepare for this settlement conference, including obtaining sufficient authority to proceed with meaningful negotiations. Counsel for the United States indicates that "she will make every effort to negotiate with counsel for Plaintiffs in good faith in the interim should the Court reschedule the conference." I will expect the United States to fulfill this undertaking.

WHEREFORE,

IT IS ORDERED that the settlement conference in this cause set for December 19, 2000, be, and it is hereby, VACATED.

IT IS FURTHER ORDERED that a settlement conference in this cause shall be set for TUESDAY, FEBRUARY 20, 2001, AT 2:00 P.M.; the confidential settlement letters are due to me by February 12, 2001. All other terms and conditions of my Order Setting Settlement Conference shall remain in full force and effect.


UNITED STATES MAGISTRATE JUDGE